



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 3096-00

30 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 14 May 1987. You reported to active duty on 1 October 1987. On 30 September 1990 you were honorably separated and transferred to the Naval Reserve. On 13 August 1991 you were assigned to a Naval Reserve unit in LaCrosse, Wisconsin. On 7 March 1992 you tested positive for marijuana use in a urinalysis.

On 11 April 1992 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to drug abuse. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 12 May 1992. At that time you were not recommended for reaffiliation with the Naval Reserve.

Applicable regulations preclude a recommendation for reaffiliation when an individual is discharged due to misconduct.

In this regard, the Board noted that the record clearly indicates that you committed misconduct by using drugs. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the recommendation for reaffiliation. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether your characterization of service should be changed, since you did not ask for such consideration and you have not exhausted your administrative remedy by applying to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure